

**Before the Federal Communications Commission
Washington, D.C. 20554**

August 1, 2016

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

Request for Review of a Decision of the
Universal Service Administration by

International Studies Charter School

CC Docket No. 02-6

Request for Review

**Appellant Name: Somerset Academy South Miami Elementary and
Middle School**

Billed Entity Number: 16056716

For 471: 899399

Funding Request Numbers: 2455940

Service Providers:

FPL FiberNet, LLC – SPIN 143033075

Submitted by:

Eileen Beyra

Academica

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Introduction:

The funding commitment must be rescinded in full because Somerset Academy South Miami Elementary and Middle School did not have a contract in place at the time of the submission of the FCC Form 471. Per the Funding Commitment Adjustment Report, "FCC Rules require applications to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the FCC Form 471."

Summary

On January 19, 2013 Somerset Academy South Miami Elementary and Middle School posted their 470 application. The Schools allowable contract date was 2/16/13. After waiting the mandatory 28 days, the school weighed all bids against their vendor selection criteria and selected the most cost effective vendor. This vendor was FPL FiberNet, LLC.

On 3/8/13 the school had a meeting and decided to go with FPL, they were the most cost effective vendor, this was the day they made their vendor selection decision. Then on 3/10/13 the school filed their 471 application. The school filed that application with a vendor signed contract as of 3/13/13. This was a clerical error, one that a typist might make. The signed date should have been 3/8/13, the day they selected their vendor.

Argument:

1. We contend this is an M&C error on the part of the signer.
2. Somerset Academy South Miami Elementary and Middle School allowable contract date was on 2/14/13. After waiting the mandatory 28 days, the school weighed all bids against their vendor selection criteria and selected the most cost effective vendor. This Vendor was FPL FiberNet, LLC. There was no waste fraud or abuse.
3. On 3/10/13 the school filed their 471 application. The school filed that application with a vendor signed contract as of 3/13/13 (this was a clerical error and it should have been 3/8/13). This is the day that the school selected their provider. The date on the contract submitted to USAC was 3/13/13. This was a clerical error, one that a typist might make. The signed date should have been 3/8/13.
4. Somerset Academy South Miami Elementary and Middle School selected the most cost effective vendor and should not be punished for a clerical error. There was no waste fraud or abuse, simply a typographical error.
5. Pursuant to the Order FCC 11-60, released on April 14, 2011, and the Bishop Perry Order, the applicant should be awarded the opportunity to correct these

clerical errors. We argue that we should be awarded the opportunity to correct this date.

6. Mistakes happen and the FCC and USAC have established precedent to correct these mistakes.
7. Finally, we would argue, even if the Commission doesn't view this as a clerical error, FPL FiberNet was the most cost effective vendors, pursuant to our vendor selection process and there was no waste fraud or abuse. To deny this funding would put undue strain on the school who otherwise followed all e-rate rules.

Summary

Somerset Academy South Miami Elementary and Middle School made a clerical error when having their contract signed. They therefore filed with an incorrect date. However, they followed all e-rate rules leading up to this and did in fact select the most cost effective vendor.

There is no waste fraud or abuse, just a simple mistake which there is a clear remedy.

We respectfully request this application be approved and the school be allowed to recoup the funding to which they are entitled.

Thank you 

Eileen Beyra



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

July 19, 2016

Eileen Beyra
Somerset Academy South Miami Elementary & Middle School
Academica
6340 Sunset Drive
Miami, FL 33143

Re: Applicant Name: SOMERSET ACADEMY SOUTH MIAMI
ELEMENTARY & MIDDLE SCHOOL
Billed Entity Number: 16056716
Form 471 Application Number: 899399
Funding Request Number(s): 2455940
Your Correspondence Dated: June 09, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2455940
Decision on Appeal: **Denied**
Explanation:

- During the appeal review of your FCC Form 471# 899399 you requested reversal of the COMAD decision to seek recovery of improperly disbursed funds. After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. You did not have a contract in place at the time of submission of the FCC Form 471. This determination was based on the contract provided during the review process, which was executed 3/13/13. The FCC Form 471 was certified on 3/10/13. FCC rules require applicants to have a valid contract as defined by the applicant's state procurement laws and regulations at the time they submit the FCC Form 471. Since you were unable to demonstrate that you had a contract in place at the time of submission of the FCC Form 471 that meets

the state laws definition of a valid contract, the commitment has been rescinded in full. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company